REMARKS/ARGUMENTS

This paper is responsive to the Non-Final Office Action dated October 29, 2003, having a shortened statutory period set to expire on January 29, 2004, in which,

Claims 1-19, 21-35, 37-70 and 73-91 were pending; and

Claims 1-19, 21-35, 37-70 and 73-91 were rejected.

Claims 1-6, 12, 15, 18-19, 21-24, 27, 29, 33, 35, 37-39, 42-43, 46, 69-70, and 73-75 have been amended, Claims 9-11, 13-14, 16-17, 28, 30-32, 34, 44-45, 47-68, 78-86, and 88-89 have been canceled, and no new claims have been added by the present response. Accordingly, claims 1-8, 12, 15, 18-19, 21-27, 29, 33, 35, 37-43, 46, 69-70, 73-77, 87, and 90-91 remain currently pending in the present application.

Examiner Interview Teleconference

Appreciation is expressed for the courtesies extended by the Examiner in the Examiner interview teleconference conducted on January 26, 2004 between Examiner Vortman and Justin M. Dillon, Applicants' representative. During the interview teleconference, United States Patent No. 4,441,093 issued to Okazaki. (hereinafter, "***Okazaki***") as applied to Applicants' claim 1 in the present Office Action was discussed. While no specific agreement was reached, Applicants believe the present response to be in harmony with the positions expressed during the interview teleconference.

Rejection of Claims under 35 U.S.C. §102

In the present Office Action, claims 49, 59-70, 73-78, and 87-91 were rejected under 35 U.S.C. §102(b) as being anticipated by ***Okazaki***. While not conceding that the Examiner's cited reference(s) qualify as prior art, but instead to expedite prosecution, Applicants have chosen to respectfully disagree and traverse the rejection as follows. Applicants reserve the right, for example, in a continuing application, to establish that one or more of the Examiner's cited references do not qualify as prior art as to an invention embodiment previously, currently, or subsequently claimed.

With respect to Applicants' claim 49, the Examiner states within the present Office Action that ***Okazaki*** teaches,

> A fuse assembly (Fig. 5, 6) comprising: a fuse element (12) prepared in a substantially non-linear form, wherein at least a portion of the fuse element (12) is capable of experiencing arcing (inherently) as a result of excessive current flowing through the fuse element (12); means (a portion (15) of a dielectric material (14, 15)) for increasing a dielectric separation to impede the arcing (inherently), wherein said means (15) for increasing said dielectric separation is separated from said fuse element (12) by a space (accommodating the portion (14) of the dielectric material) along a length of said fuse element (12).

Although Applicants respectfully disagree, Applicants have canceled claims 49, 59-68, 78, and 88-89 in the present response without prejudice or disclaimer of the subject matter recited therein. Consequently, Applicants submit that the Examiner's rejections of the described claims are rendered moot. With respect to Applicants' claim 69, the Examiner states in the present Office Action that, "the method steps recited in the claims are inherently necessitated by the device structure as disclosed by Okazaki." Applicants respectfully disagree.

Applicants respectfully submit that ***Okazaki*** fails to teach a method of impeding arcing occurring across a gap formed in a fuse element comprising,

> forcing the arcing across the gap to traverse a path consistent with the substantially non-linear form, wherein
>
> said fuse element is enclosed by a dielectric material...and
>
> a second portion of said dielectric material occupies an area from said first ends to said second ends to impede arcing between said first conductive endcap and said second conductive endcap.

as required by Applicants' claim 69 as amended (emphasis supplied) and generally required by Applicants' claims 1, 18, and 33 as amended. Accordingly, it is respectfully submitted that Applicants' claim 69 is allowable over the ***Okazaki***. Applicants' claims 70, 73-77, 87, and 90-91 depend from claim 69 and are therefore allowable for at least the foregoing reason(s).

Rejection of Claims under 35 U.S.C. §103

In the present Office Action, claims 1-19, 21-35, 37-48, 50-58 and 71-86 were rejected under 35 U.S.C. §103(a) as being unpatentable over ***Okazaki*** in view of United States Patent No. 5,572,181 issued to Kiryu et al. (hereinafter, ***Kiryu***). While not conceding that the Examiner's cited reference(s) qualify as prior art, but instead to expedite prosecution, Applicants have chosen to respectfully disagree and traverse the rejection as follows. Applicants reserve the right, for example, in a continuing application, to establish that one or more of the Examiner's cited references do not qualify as prior art as to an invention embodiment previously, currently, or subsequently claimed.

More specifically, ***Kiryu*** is cited in the present Office Action as teaching, "a fuse assembly (Fig. 3), wherein a fuse element (3) is connected to the two end caps (2) for the purpose of the convenient installation in a power distribution conductor on a circuit board (column 6, lines 48+)." It is then further stated within the present Office Action that,

> It would have been obvious to a person of ordinary skill in the fuse art at the time the invention was made to provide said fuse assembly of Okazaki with the end caps as taught by Kiryu in order to adapt said fuse assembly of Okazaki for a convenient installation in a power distribution conductor on a circuit board.

Applicants respectfully disagree. Applicants have canceled claims 9-11, 13-14, 16-17, 28, 30-32, 34, 44-45, 47-48, 50-58, and 78-86 in the present response without prejudice or disclaimer of the subject matter recited therein. Consequently, Applicants submit that the Examiner's rejections of the described claims are rendered moot. With respect to Applicants' remaining claims rejected under 35 U.S.C. §103, Applicants respectfully submit that neither ***Okazaki*** nor ***Kiryu*** teach a fuse assembly comprising...

> a fuse body comprising a dielectric material adapted to substantially enclose the fuse element between the at least two endcaps, wherein...
>
> a second portion of the dielectric material occupies an area from said first ends to said second ends to impede arcing between said first conductive endcap and said second conductive endcap

as required by Applicants' claim 1 as amended (emphasis supplied) and generally required by Applicants' claims 18, 33, and 69 as amended. Accordingly, it is respectfully submitted that

Applicants' claims 1, 18, and 33 are allowable over ***Okazaki*** and ***Kiryu***. Applicants' claims 2-8, 12, and 15 depend from claim 1 and are therefore allowable for at least the foregoing reason(s). Applicants' claims 19, 21-27, and 29 depend from claim 18 and are therefore allowable for at least the foregoing reason(s). Applicants' claims 35, 37-43, and 46 depend from claim 33 and are therefore allowable for at least the foregoing reason(s).

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5097.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 29, 2004.

Attorney for Applicant(s) — Date of Signature: 1-29-04

Respectfully submitted,

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